

### **REMARKS/ARGUMENTS**

This Request for Reconsideration is submitted in response to the Final Office Action mailed June 28, 2006, and within the TWO MONTH time period extending from the mailing date of the Final Office Action to August 28, 2006. The current status of the  
5 claims is summarized below.

Claims 17-20 are cancelled.

Claims 1-16 are pending in the application after entry of the present Request for Reconsideration.

#### 10 **Drawings**

The drawings were objected to under 37 CFR 1.83(a). The office asserts that a hard drive having a device surrounding component and a lever positioned on a side surface of the drive as recited in claim 10 must be shown or the features cancelled from claim 10.

15 With regard to drawings, 37 CFR 1.83 states the following:

"(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims."

The Applicant submits that 37 CFR 1.83 does not require every feature of the invention to be shown TOGETHER IN A SINGLE DRAWING.

20 The Applicant respectfully submits that the drawings as originally filed do in fact show a hard drive having a device surrounding component and a lever positioned on a side surface of the hard drive as recited in claim 10. Specifically, Figures 3A-3D show a hard drive 130 having a device surrounding component 151, wherein the device surrounding component 151 includes a top rail 151d, a rear rail 151a, a bottom rail 151e,  
25 and forward tabs 151f.

Figures 4A-4B show the same hard drive 130 as shown in Figures 3A-3D. Figures 4A-4B further show a lever 200 positioned on a side surface of the hard drive 130. Therefore, in combination, Figures 3A-3D and 4A-4B show a hard drive 130 having a device surrounding component 151 and a lever 200 positioned on a side surface of the hard drive 130, as recited in claim 10. Thus, the Applicant submits that the drawings as originally filed do in fact show every feature of the invention specified in claim 10.

### **Rejections under 35 U.S.C. 112**

Claim 10 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed.

The Office asserts that the subject matter of claim 10 was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Office states that "paragraph [0056] of the specification describes the lever as being positioned on a side surface of the disk drive, or a device surrounding component." The Office asserts that there is no support anywhere in the original disclosure for a device having both a device surrounding component and a lever positioned on a side surface of a disk drive.

With respect, the Office's assertion regarding no support anywhere in the original disclosure for a device having both a device surrounding component and a lever positioned on a side surface of a disk drive is incorrect. Paragraph [0054] states that "Figures 4A and 4B illustrate a lever 200 to achieve sufficient leverage in the exemplary horizontal or lateral direction to achieve connection and disconnection between the data and power port 130a and the data and power connector 132, 162 (see Figures 2A and 3A, respectively)." According to paragraph [0046], both the device surrounding component

151 and the data and power connector 162 are described as being part of the bracket assembly 150. The presence of the lever 200 in conjunction with the data and power connector 162, identifies the lever 200 as being present in conjunction with the bracket assembly 150. Therefore, the lever 200 is also present in conjunction with the device  
5 surrounding component 151, which is also part of the bracket assembly 150.

In further support of the Applicant's position as presented above, the Office is requested to consider the disclosure of paragraphs [0045-0046]. Specifically, paragraph [0045] states that "In one embodiment of the invention, a computer hard drive 130, or other such component device, is configured with an integral bracket assembly 150 to  
10 enable arrangement of a plurality of computer hard drives 130 in a plurality of arrays of devices within an array chassis." Paragraph [0046] states that "Bracket assembly 150 component parts include a device surrounding component 151, a rear mounting post 152, and a forward mounting post 153." Paragraph [0046] further states that "In one embodiment, a power and data connector 162 is housed within forward mounting post  
15 153, and is configured to mate with power and data port 130a of hard drive 130." Therefore, it should be understood that the power and data connector 162 is housed within the forward mounting post 153, wherein the forward mounting post 153 is a component part of the bracket assembly 150, wherein the bracket assembly 150 also includes the device surrounding component 151.

20 In view of the foregoing and in contrast to the Office's assertion, there is in fact support in the original disclosure for a device having both a device surrounding component and a lever positioned on a side surface of a disk drive.

Paragraph [0056] states the following:

"In one embodiment of the invention, lever 200 is attached to hard drive 130 at  
25 pivot pin 202. In other embodiments, pivot pin 202 is attached to device surrounding

component 151 (see Figure 3A), or to top plate 121 (see Figure 2A). As can be appreciated, because lever 200 pivots around pivot pin 202 to cause horizontal movement of hard drive 130, pivot pin 202 is attached to hard drive 130, or to a structure integral with hard drive 130."

5           As identified above, paragraph [0056] describes a first embodiment in which the lever 200 is connected through pivot pin 202 to the hard drive 130. Paragraph [0056] also describes a second embodiment in which the lever 200 is connected through pivot pin 202 to the device surrounding component 151, wherein the device surrounding component 151 is part of a structure integral with the hard drive 130, i.e., part of the  
10   integral bracket assembly 150 (see paragraph [0045]). Therefore, the Office's generalization of paragraph [0056] as describing "the lever as being positioned on a side surface of the disk drive, or a device surrounding component," is misleading. Furthermore, the Office's inference that if lever is positioned on the side surface of the disk it cannot also be positioned on a device surrounding component is incorrect, per the  
15   specification as originally filed.

          In view of the foregoing, the Applicant respectfully submits that claim 10 does in fact comply with the written description requirement as set forth in 35 U.S.C. 112, first paragraph. Therefore, the Office is kindly requested to withdraw the rejection of claim 10 under 35 U.S.C. 112.

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**Rejections under 35 U.S.C. 102**

          Claims 1-10, 12-13, and 15-16 were rejected under 35 U.S.C. 102(e) as being anticipated by Roesner (U.S. Patent Application Publication No. US 2005/0047075 A1). These rejections are traversed.

The bracket assembly of claim 1 is recited to include a top plate for attaching to the component, wherein the top plate includes a keyed tail portion. The bracket assembly of claim 1 is also recited to include a tail receptacle for receiving the keyed tail portion of the top plate. The tail receptacle is recited as being configured to the rear rail.

5 Roesner discloses a drive carrier 12 having support members 40, 42, and 44. The Office has relied upon the support member 40 to teach the top plate of claim 1 for attaching to the component. Therefore, for claim 1 to be anticipated by Roesner, the support member 40 must include a keyed tail portion. The Office has relied upon the guide 70 to teach the keyed tail portion of the top plate of claim 1. However, the guide 70  
10 is disclosed by Roesner as part of the support member 44, not the support member 40 (see paragraph [0018] and Figure 2B). Therefore, because Roesner does not teach the guide 70 as part of the support member 40, it follows that Roesner does not teach a top plate having a keyed tail portion, as recited in claim 1.

Also, because Roesner does not teach the top plate having the keyed tail portion, it  
15 follows that Roesner does not teach the features of claim 1 regarding a tail receptacle for receiving the keyed tail portion, wherein the keyed tail portion is included as part of the top plate. Furthermore, because Roesner does not teach the top plate having the keyed tail portion or the tail receptacle for receiving the keyed tail portion of the top plate, it follows that Roesner does not teach the features of claim 1 regarding a lever to provide leveraged  
20 motion which causes the keyed tail portion to be received into the tail receptacle.

A claim is anticipated under 35 U.S.C. 102 only when each and every feature of the claim is taught by a single reference. Also, for a claim to be anticipated under 35 U.S.C. 102, the elements in the prior art must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In view of the foregoing, the  
25 Applicant submits that Roesner fails to teach each and every feature of claim 1.

Therefore, Roesner fails to anticipate claim 1 under 35 U.S.C. 102. Because a dependent claim incorporates each and every feature of its independent claim, the Applicant submits that Roesner fails to anticipate each of claims 2-9 for at least the same reasons as discussed for claim 1. The Office is kindly requested to withdraw the rejections of claims 1-9.

With regard to claim 10, the bracket assembly is recited as including a lever to provide leveraged movement to the disk drive. Moreover, the lever is recited as being positioned on a side surface of the disk drive.

Roesner discloses a drive carrier 12 having an actuator 24, i.e., lever 24, attached thereto. Specifically, paragraph [0016] of Roesner discloses that actuator 24 is pivotally coupled to a front portion 50 of drive carrier 12. Roesner further discloses that actuator 24 may be pivotally coupled to support member 42 of the driver carrier 12 using a pin 52. Although Roesner teaches the actuator 24 as being positioned at an outer surface of the driver carrier 12, Roesner does not teach the actuator 24 as being positioned on a side surface of the disk drive 14, as required by claim 10.

Because Roesner fails to teach each and every feature of claim 10, Roesner does not anticipate claim 10 under 35 U.S.C. 102. Also, because each dependent claim incorporates each and every feature of its independent claim, Roesner fails to anticipate each of claims 11-16 for at least the same reasons as discussed for claim 10. The Office is kindly requested to withdraw the rejections of claims 10-16.

### **Rejections under 35 U.S.C. 103**

Claims 11 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roesner in view of Aoki et al. ("Aoki" hereafter) (U.S. Patent No. 6,288,911). These rejections are traversed.

Because a dependent claim incorporates each and every feature of its independent claim, the Applicant submits that each of claims 11 and 14 is patentable for at least the same reasons as discussed for claim 10. The Office is kindly requested to withdraw the rejections of claims 11 and 14.


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In view of the foregoing, the Applicant respectfully submits that all of the pending claims (1-16) are in condition for allowance. The Applicant respectfully requests that a Notice of Allowance be issued. If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Request for Reconsideration, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP238). A duplicate copy of the transmittal is enclosed for this purpose.

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Respectfully submitted,  
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